

REMARKS

Summary of the Office Action

The drawings stand objected to as failing to comply with 37 C.F.R. §§ 1.84(p)(4) and 1.84(p)(5).

The specification stands objected to because of informalities.

Claims 2 and 7-21 stand objected to under 37 C.F.R. §1.75(a) as failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention or discovery.

Claims 1-6, 8-15 and 17-21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Yoritsugu et al.* (JP 10-126614 A).

Claims 7 and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yoritsugu et al.* in view of *Nakai et al.* (U.S. Patent No. 5,539,523).

Summary of the Response to the Office Action

Applicants have amended independent claims 1 and 10 to differently describe the invention and canceled claims 3 and 12 without disclaimer or prejudice. Claims 2, 4-9, 13-15, 17 and 19 are amended to correct minor informalities. The Specification has been amended in response to the Examiner's comments in the Office Action.

While the Office Action at Section 1 of page 2 indicates that "S56" in Fig. 15 is not mentioned in the specification, Applicants respectfully submit that such an indication is incorrect because "S56" in Fig. 15 is mentioned at lines 13-15 of page 27 in the specification.

Accordingly, claims 1, 2, 4-11, and 13-21 remain pending in this application for further consideration.

Objection to the Drawings

The drawings stand objected to under 37 CFR 1.84(p)(4) and 1.84(p)(5). Applicants have amended the specification so that the drawings comply with 37 CFR 1.84(p)(4) and 1.84(p)(5). Applicants respectfully submit that no new matter has been added by this change to the specification. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

Objection to the Specification

The specification stands objected to because of informalities. Applicants have amended the specification in response to the Examiner's comments in the Office Action. Accordingly, Applicants respectfully request the objection to the specification be withdrawn.

Objections to Claims 2 and 7-21

Claims 2 and 7-21 are objected to under 37 C.F.R. §1.75(a) as failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention or discovery.

Applicants have amended claims 2, 7-10 and 19 to respond to the Examiner's objections and adopt his helpful suggestions. Claims 11-18 and 20-21 are objected to for depending on an objected to claim. Also, since Applicants have canceled claim 12, the objection to claim 12 has been rendered moot.

Accordingly, it is respectfully requested that all objections to the claims be withdrawn.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-6, 8-15 and 17-21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Yoritsugu et al.* Claims 7 and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yoritsugu et al.* in view of *Nakai et al.* To the extent that these rejections might still apply to the claims as newly-amended, it is respectfully traversed as follows.

Since Applicants have cancelled claims 3 and 12 without disclaimer or prejudice, the rejections of claims 3 and 12 have been rendered moot.

Regarding the rejection based on *Yoritsugu et al.*, Applicants respectfully submit that *Yoritsugu et al.* neither teaches nor suggests a plurality of magnification estimating means of the instant application. While the Office Action on page 5 indicates that Fig. 12 of *Yoritsugu et al.* discloses the plurality of magnification estimating means, Applicants respectfully submit that the number of magnification estimating means in *Yoritsugu et al.* is one. Further, Applicants respectfully submit that in *Yoritsugu et al.*, it is not judged whether or not an object image is present by a plurality of magnification levels estimated by a plurality of magnification estimating means.

Unlike the instant application, *Yoritsugu et al.* discloses that an object image is detected by comparing with a matching pattern corresponding to a magnification level unambiguously determined by one magnification estimating means. In *Yoritsugu et al.*, although matching patterns corresponding to a plurality of magnification levels are prepared, the number of magnification levels to be used upon detecting the object image is one.

With respect to independent claim 1, as amended, Applicants respectfully submit that *Yoritsugu et al.* does not teach or suggest the claimed combination, including at least “judging means for judging whether or not said object image is present in said input image, from said plurality of magnification levels estimated by said plurality of magnification estimating means.”

Similarly, with respect to independent claim 10, as amended, Applicants respectfully submit that *Yoritsugu et al.* does not teach or suggest the claimed combination, including at least a step of “judging whether or not said object image is presented in said input image, from said plurality of magnification levels estimated by said magnification estimating process.”

In addition, *Nakai et al.* does not cure the deficiencies of *Yoritsugu et al.*

Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because the applied references do not teach or suggest each feature of newly-amended independent claims 1 and 10. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Similarly, MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicants respectfully assert that the rejections of dependent claims 2, 4-11 and 13-21 should also be withdrawn at least because of their respective dependencies upon independent claims 1 and 10, and the reasons set forth above.

With no other rejection pending, Applicants respectfully submit that claims 1-2, 4-11, and 13-21 are in condition for allowance.

CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims currently presented are in condition for allowance. Accordingly, Applicants respectfully request that Examiner pass this case to issue. If Examiner believes that personal contact with Applicants' representative would expedite prosecution of the application, he is invited to call the undersigned at his convenience.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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